

ROB BONTA, State Bar No. 202668
Attorney General of California
JON S. ALLIN, State Bar No. 155069
Supervising Deputy Attorney General
JEREMY DUGGAN, State Bar No. 229854
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6008
Fax: (916) 324-5205
E-mail: Jeremy.Duggan@doj.ca.gov

*Attorneys for Defendant
Burnes*

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

DORA SOLARES.

1:20-CV-00323-JLT-BAM

Plaintiff,
v.
RALPH DIAZ, et al.,
Defendants.

DEFENDANT BURNES'S DISCOVERY STATUS REPORT

Date: Feb. 23, 2024
Time: 9:00 a.m.
Courtroom: Zoom
Judge: The Honorable Barbara A.
McAuliffe
Action Filed: March 2, 2020

In advance of the mid-discovery conference on February 13, 2024, Defendant Burnes submits the following status report.

A. Discovery Propounded to Plaintiff

Defendant Burnes served Plaintiff with requests for production, interrogatories, and requests for admission on November 27, 2023. The parties agreed to an extension of time for the responses, and Plaintiff provided responses on January 19, 2024. Many of Plaintiff's responses state that Plaintiff has not completed her investigation, that discovery is ongoing, and that Plaintiff has not yet completed her review of the responses provided by Defendant. Defendant is reviewing Plaintiff's responses to determine whether supplementation is needed before taking Plaintiff's deposition.

B. Discovery Propounded to Defendant

On February 7, 2024, Plaintiff submitted her status report regarding the discovery propounded to Defendant. (ECF No. 78.) Defendant will provide a few points of clarification.

Plaintiff notes that she served discovery requests in March 2021. (*Id.* at 2, ln. 2-3.) To clarify, those requests have been withdrawn. Plaintiff asked Defendant to disregard the March 2021 requests when serving replacement requests in August 2023.

Plaintiff notes that Defendant provided responses to requests for admission and interrogatories on September 18, 2023. (*Id.* at 2, ln. 16-17.) To clarify, Defendant also served responses to requests for production on that date.

Plaintiff asserts that Defendant filed a motion for administrative relief seeking an extension of time to respond to Plaintiff's discovery requests on September 19, 2023. (*Id.* at 2, ln. 20.) In fact, that motion was filed September 11, 2023. (ECF No. 61.)

Plaintiff asserts that Defendant has not yet provided a privilege log. (ECF No. 78 at 3, ln. 4.) Defendant plans to provide the privilege log on February 8 or 9, 2024.

Plaintiff further states that she is planning to amend the complaint to add defendants. (*Id.* at 4.) Defendant believes that to prevent duplication of efforts, the parties should hold off on depositions until all parties are in the case and represented.

Dated: February 8, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
JON S. ALLIN
Supervising Deputy Attorney General

/s/ Jeremy Duggan
JEREMY DUGGAN
Deputy Attorney General
*Attorneys for Defendant
Burnes*

SA2019101902
37861620.docx

CERTIFICATE OF SERVICE

Case Name: **Dora Solares v. Ralph Diaz, et al.** No. **1:20-CV-00323-JLT-BAM**

I hereby certify that on February 8, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT BURNES'S DISCOVERY STATUS REPORT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 8, 2024, at Sacramento, California.

Y. Pacheco
Declarant

/s/ Y. Pacheco
Signature

SA2019101902
37862581.docx